

### **REMARKS**

Claims 37-58 remain pending in the application. Claims 37 and 45 have been amended. New Claims 53-58 have been added. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **DOUBLE PATENTING REJECTION**

Claims 37-52 are rejected under the judicially created doctrine of double patenting over Claims 3 and 4 of U.S. Patent No. 6182548. Claims 37-52 are rejected under the judicially created doctrine of double patenting over Claims 10 and 11 of U.S. Patent No. 5957021. Claims 37-52 are rejected under the judicially created doctrine of double patenting over Claims 7 and 8 of U.S. Patent No. 5724875. Enclosed is a Terminal Disclaimer to overcome these double patenting rejections.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 37-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumasaka et al. in view of Cotton et al. Independent Claims 37 and 45 have been amended to include a torsional coil spring for biasing the movable guard into its closed position. While Kumasaka et al. in column 3, lines 23-27 states, "The blade guard 9 is urged to be rotated thereabout clockwise in Figure 1 by means of another spring, not shown, which may be provided between the blade housing 4 and the movable blade 9." Thus, Kumasaka et al. discloses the biasing of the movable guard

but does not disclose, teach or even suggest the use of a torsional coil spring as is now defined in amended Claims 37 and 45. The use of the torsional coil spring provides advantages in packaging which maximizes the cutting depth capacity for the saw.

Thus, Applicant believes independent Claims 37 and 45 patentably distinguish over the art of record. Likewise, Claims 38-44 which ultimately depend from Claim 37 and Claims 46-52 which ultimately depend from Claim 45 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **NEW CLAIMS**

New Claims 53-58 are dependent claims ultimately dependent on either Claim 37 or Claim 45.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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## **ATTACHMENT FOR CLAIM AMENDMENTS**

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

37. (Amended) A cutting device for performing cutting operations on a workpiece, said cutting device comprising:

a base adapted to receive said workpiece;

a support attached to said base;

a drive assembly pivotably attached to said support, said drive assembly including a motor having an arbor shaft rotatable about an arbor axis;

a cutting tool attached to said arbor shaft;

a fixed guard fixedly attached to said drive assembly and pivotably with said drive assembly, said fixed guard covering a first portion of said cutting tool;

a movable guard pivotably attached to said drive assembly for pivotal movement about said arbor axis, said movable guard movable between a closed position covering a second portion of said cutting tool and an open position exposing said second portion of said cutting tool;

a separate arbor cover pivotably secured to said fixed guard, said arbor cover being pivotal between a first position covering said arbor shaft and a second position completely uncovering said arbor shaft[.]; and

a torsional coil spring biasing said movable guard into said closed position.

45. (Amended) A cutting device for performing cutting operations on a workpiece, said cutting device comprising:

a base adapted to receive said workpiece;

a support arm attached to said base;

a drive support slidably engaging said support arm;

a drive assembly pivotally attached to said drive support, said drive assembly including a motor having an arbor shaft rotatable about an arbor axis;

a cutting tool attached to said arbor shaft;

a fixed guard fixedly attached to said drive assembly and pivotally with said drive assembly, said fixed guard covering a first portion of said cutting tool;

a movable guard pivotally attached to said drive assembly for pivotal movement about said arbor axis, said movable guard movable between a closed position covering a second portion of said cutting tool and an open position exposing said second portion of said cutting tool;

a separate arbor cover pivotally secured to said fixed guard, said arbor cover being pivotal between a first position covering said arbor shaft and a second position completely uncovering said arbor shaft[.]; and

a torsional coil spring biasing said movable guard into said closed position.